

HV
7808
A43

UC-NRLF



\$B 47 202

DOCUMENTS
DEPT.

YC 35846

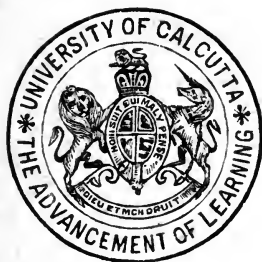


1/6

FOR CIRCULATION AMONG TEACHERS AND
STUDENTS ONLY

HISTORY
OF
Police Organisation in India
AND
Indian Village Police

*Being select Chapters of the Report of the
Indian Police Commission, for 1902-03*



PUBLISHED BY THE UNIVERSITY OF CALCUTTA

With the Permission of the Government of India

1913

FOR CIRCULATION AMONG TEACHERS AND
STUDENTS ONLY

India. Police Commission

HISTORY
OF
Police Organisation in India
AND
Indian Village Police

*Being select Chapters of the Report of the
Indian Police Commission, 1902-03*



UNIVERSITY OF CALCUTTA

No. 330

Secretary

REGISTRAR'S OFFICE

PUBLISHED BY THE UNIVERSITY OF CALCUTTA
With the Permission of the Government of India

1913

Printed by Atulchandra Bhattacharyya,
AT THE
CALCUTTA UNIVERSITY PRESS
Senate House, Calcutta.

HV7808

A43

DOCUMENTS
DEPT.

“Of all the branches of the public service in India, the police, by its history and traditions, is the most backward in its character. Its origin may be traced to the feudal obligation of the land-owners to maintain, by means of an underpaid and disorderly rabble, the semblance of order on their estates. The taint of its earliest antecedents still affects the morale of the lower ranks: the constable has inherited the reputation, if not the methods, of the *barkandaz*. The history of the Indian Police under British rule is marked by a series of attempts to introduce more advanced standards of conduct and integrity, and to raise the tone of the force by improving the pay and prospects of its members. The latest of these efforts is represented by the labours of the Commission appointed nearly three years ago. The reforms proposed by them extend to all grades of the Police; they leave untouched no detail of its organization; and they are planned on a scale more comprehensive than has ever been deemed feasible in the past. The present condition of the public revenues has enabled the Government of India to accept the main proposals of the Commission, and to provide at once a large proportion of the cost of carrying them out. It will take a long time to give full effect to the scheme, and longer still before its larger purpose can be visibly fulfilled. The reconstruction of the Police is, indeed, merely a step towards the improvement of the administration of criminal justice in India. Success in that higher aim will depend not only on the qualifications and training of the force, but even more on the honest co-operation of the people themselves in the work of reform; on the adoption of higher ethical standards; on the diffusion of general education, especially in its primary branches; on the growth of genuine public spirit and a sense of the common good; and most of all perhaps on the decline of faction and the discouragement, by a more healthy and more courageous public opinion, of the vicious practice of resorting to the machinery of the criminal courts in

order to gratify private animosities. As the popular conscience developes in these directions the Governor General in Council hopes that the great undertaking, the initial stage of which is now approaching completion, will alleviate evils which affect in varying degrees all classsss of society, and will confer upon the people benefits commensurate with the labour and thought devoted to its inception and the immense outlay which its exertion will entail."

Government of India's Home Department Resolution, dated the 21st March, 1905.

I

[The first Chapter of the Report sketches in broad outlines the history of police organization in India. It shows how the indigenous systems of police, based upon the responsibility of the landholders or the village communities, were gradually modified by the progressive intervention of the State; how a series of experiments in different provinces culminated in the comprehensive reorganization effected by the Police Commission of 1860; and how the arrangements then introduced and improved from time to time, as Provincial resources admitted, fall short at the present day of the higher standard of efficiency which modern conditions demand.

In their anxiety to emphasize the necessity for further reform the Commission have omitted to mention the important correspondence and inquiries which, beginning in 1888, led to a large number of valuable improvements in the establishment and working of the police, involving the addition of considerable sums to the public expenditure, and laid down recommendations for further reforms which, though the conditions of the finances at the time rendered it difficult to give effect to them, would no doubt have been brought into operation had the resources of the State been able to bear the cost. Among the conclusions and recommendations of Lord Lansdowne's Government in 1890 were the following :—

- (1) that the net pay of constables should be fixed at not less than Rs. 7 a month ;
- (2), that the pay and position of investigating and inspecting officers should be greatly improved, and that deserving inspectors of Police should be considered eligible for appointment to the Provincial Service ;
- (3) that a reform in the system of selecting gazetted officers (assistant district superintendents of Police) was necessary ;

- (4) that the District Magistrates should exercise closer supervision over the work of subordinate magistrates, especially with the object of avoiding delays in the disposal of cases ;
- (5) that measures should be taken to strengthen the law with respect to the prevention of offences ;
- (6) that the Crown should be properly represented in criminal prosecutions ;
- (7) that the statistical forms exhibiting the results of police action should be revised and improved, so as to enable a proper comparison to be made between those results in different provinces.

The establishment of provincial training schools for the police was due to Lord Lansdowne's Government ; and the question of arming the police, and training them in the use of fire-arms, was dealt with by them in a comprehensive manner. One of the most important reforms that have been introduced in regard to the superior officers, *viz.*, the recruitment of the European element mainly in England, was also brought into operation during the same administration.

In view of these carefully considered attempts to improve the administration of the Department, the Government of India are unable to endorse the opinion, expressed in paragraph 27 of the Report, that the efficiency of the police has been sacrificed to financial considerations. Of the measures now advocated by the Commission many of the most important had already been accepted in principle, and considerable progress had been made in bringing them into operation. If it has now been found possible to deal also with the pay and grading of the European officers, the administrative organization of the force, the railway police, the river police, and the important questions of criminal investigation and intelligence, this is because the investigation lately undertaken has exposed to view a wider area of practicable and necessary reform.]

Government of India's Home Department Resolution, dated the 21st March, 1905.

The indigenous system of police in India was very similar to that of Saxon England: both were organized on the basis of land tenure, and just as the Thane in the time of King Alfred was required to produce the offender or to satisfy the claim, so in India the zamindar was bound to apprehend all disturbers of the public peace and to restore the stolen property or make good its value. Under the large zamindars were a number of subordinate tenure-holders, all of whom were required in their degree to perform police duties and to bear for the areas of their charges the responsibilities which rested upon the zamindar for the whole estate; and, finally, there was, as a rule, the joint responsibility of the villagers, which could only be transferred if they succeeded in tracking the offender to the limits of another village. This village responsibility was enforced through the headman, who was always assisted by one or more village watchmen. These latter were the real executive police of the country. Although there was, as a rule, only one watchman for the village, he was, when necessity arose assisted by all the male members of his family, by the other village servants, and in some cases by the whole village community. His duties were to keep watch at night, find out all arrivals and departures, observe all strangers, and report all suspicious persons to the headman. He was required to note the character of each man in the village, and if a theft were committed within the village bounds, it was his business to detect the thieves. If he failed to recover the stolen property, he was obliged to make up the amount of the value of it so far as his means permitted, and the remainder was levied on the whole village. "The exaction of this indemnity," wrote Mountstuart Elphinstone, "is evidently unjust, since the village might neither be able to prevent the theft, nor to make up the loss, and it was only in particular cases that it was insisted on to its full extent; but some fine was generally levied, and neglect or connivance was punished by transferring the *inam* of the patel or watchman to his nearest relation, - by fine, by imprisonment in irons, or by

severe corporal punishment. This responsibility was necessary, as besides the usual temptation to neglect, the watchman is often himself a thief, and the patel disposed to harbour thieves, with a view to share their profits." To ensure greater protection than the village police were able to afford, payments were often made to the leaders of plundering tribes to induce them to prevent depredations by their followers, a system which obtains to this day in many parts of the peninsula. In large towns the administration of the police was entrusted to an officer called the "kotwal," who was usually paid a large salary, from which he was required to defray the expenses of a considerable establishment of police. In Poona, for example, the kotwal received Rs. 9,000 a month, but he had to maintain a very large establishment of peons, some horse patrols, and a considerable number of Ramosis, while he was also answerable for the value of property stolen. His appointment, however, was considered a lucrative one, as the pay of his establishment was very low, and both he and his subordinates supplemented their salaries by unauthorised exactions from the inhabitants.

9. The following extract from the edict framed by Abul Fazul, Minister of the Emperor Akbar, shows that the Mogul system of police followed closely on the lines of that indigenous to the country. The system of mutual security is almost identical with that which existed in England in Anglo-Saxon times and was continued by the Normans :—

"The kotwals of cities, kusbahs, towns and villages, in conjunction with the royal clerks, shall prepare a register of the houses and buildings of the same, which registers shall include a particular description of the inhabitants of each habitation. One house shall become security for another; so that they shall all be reciprocally pledged and bound each for the other. They shall be divided into districts, each having a chief or prefect, to whose superintendence the district shall be subject. Secret intelligencers or spies shall be appointed to each district, who shall keep a journal of local occurrences, arrivals and departures, happening either by day or night. When any theft, fire or other misfortune

may happen, the neighbours shall render immediate assistance; especially the prefect and public informers, who, failing to attend on such occasions, unless unavoidably prevented, shall be held responsible for the omission. No person shall be permitted to travel beyond, or to arrive within, the limits of the district, without the knowledge of the prefect, the neighbours or public informers. Those who cannot provide security shall reside in a separate place of abode, to be allotted to them by the prefect of the district and the public informers. * * *

A certain number of persons in each district shall be appointed to patrol by night the several streets and environs of the several cities, towns, villages, etc., taking care that no strangers infest them, and especially exerting themselves to discover, pursue and apprehend robbers, thieves, cut-purses, etc. If any articles be stolen or plundered, the police must restore the articles, produce the criminal, or, failing to do so, become responsible for the equivalent."

10. The system described above was no doubt well suited to the needs of a simple, homogeneous, agricultural community; but however effectual it may have once been, it could not support the strain of political disorder and the relaxation of control from above. Extortion and oppression flourished unchecked through all gradations of the officials responsible for the maintenance of peace and order. Both village watchman and the heads of villages, and even the higher officials, connived at crime and harboured offenders in return for a share of the booty. Their liability to restore the stolen property or make good its value was disregarded; or if this obligation was enforced, neither the property nor its value was restored to the owner. Fines were imposed when a more severe punishment was called for; and offenders who were possessed of any property could always purchase their liberty. "A very large proportion of the taliaris," wrote Sir Thomas Munro, "are themselves thieves: all the kavalgars are either themselves robbers or employ them, and many of them are murderers; and though they are now afraid to act openly, there is no doubt that many of them still secretly follow their former practices.

Many potails and kurnams also harbour thieves. * *
 Many offenders are taken, but great numbers also escape, for connivance must be expected among the kavalgars and taliaris, who are themselves thieves; and the inhabitants are often backward in giving information from the fear of assassination, which was formerly very common, and sometimes happens on such occasions. * * * Where crimes have long been encouraged by the weakness of Government, by the sale of pardons, and by connivance wherever persons of rank were concerned, no reformation can be looked for but from the operation of time and the certainty of punishment.”

11. This was the state of things which the British found in existence on their assumption of the older provinces of the empire. The remedies adopted by them differed somewhat in different provinces, but the general lines of reform in all were to retain the village system and to improve the machinery for supervision. The first step in this direction was to relieve the zamindars of their liability for police service, which was commuted for a payment of enhanced revenue. It was found that instead of protecting the inhabitants of their estates, these landowners had grossly abused the authority entrusted to them for that purpose. “They extorted and amassed wealth, which was dissipated in a jealous rivalry of magnificent pageantry. The weapons which were intended for the enemies only of the State were turned against the State itself, and against each other, and were used for plans of personal aggrandisement, mutual revenge or public plunder. It was sometimes with difficulty that the regular or standing army of the State could restrain the insolence, or subdue the insubordination, of these intestine rebels and robbers.”* Their place was accordingly taken by the Magistrates of districts, who had under them for police purposes a staff of darogas, with subordinate officers and a body of peons. The charge of a daroga was on an average about 20 miles square; he had immediately under him from 20 to 50 armed burkundazes, and all the watchmen of the village establishments were subject to his orders. He

* East India Judicial Selections, Vol. I, p. 154.

received a reward of Rs. 10 for every dacoit apprehended and convicted, and he was granted 10 per cent. of the value of all stolen property recovered, provided the thief was convicted. In cities the office of kotwal was continued, and a daroga was appointed for each ward of the city. At a later period special regulations were made for the police of cities, the cost being levied from the inhabitants by an assesment on each house and shop. Considerable reforms were also effected in the administration of criminal justice and a more mild and rational system of trial and punishment was substituted for the cruel and partial methods of the Native Governments.

12. The results of these reforms, however, were far from satisfactory. There was a marked increase of crime everywhere ; robberies and murders, accompanied by the most atrocious and deliberate cruelties, were of frequent occurrence ; gangs of dacoits roamed unchecked about the country ; and, in the expressive native phrase, "the people did not sleep in tranquillity." The causes were not difficult of discovery. The police establishments were inadequate for the prevention of crime now that the gratuitous assistance which was formerly required from numerous classes and castes was no longer insisted upon ; a much higher degree of proof was required by our Courts, and the criminal soon learnt how difficult it was to secure his conviction ; a limited term of imprisonment was substituted, in the case of offences other than murder, for the punishments of death, often in a cruel form, mutilation or indefinite or perpetual confinement which were formerly in force, and were often, in the case of serious crime such as dacoity, inflicted on the spot without any form of trial. Finally if he were convicted and sent to jail, the criminal knew that he would be comparatively well treated and no longer be compelled by torture to restore the stolen property. "Though the natives put up with petty disorders," said Mountstuart Elphinstone, "they checked great ones with a rough hand and gave themselves no concern about the attendant evils ; if robberies were committed, they seized all the suspicious characters in the neighbourhood, and if they succeeded in restoring quiet they did

not care though a hundred Ramoosees suffered imprisonment or torture without a fault. Such a course would not be thought of under our Government; but we must consider how much our abstaining from such tyranny must weaken us and must provide a remedy in some more suitable shape."

13. Lord Wellesley began to institute inquiries into the causes of the failure to preserve peace and order in Bengal so early as 1801; in Madras a committee of police was appointed with the same object by Lord William Bentinck in 1806; and in 1813 the Court of Directors appointed a special Committee of their own body to institute an inquiry into the administration of justice and police in the Company's territories in India. In 1814 the Court issued orders on the subject. They condemned the establishments of darogas and their subordinates, and they insisted strongly upon the maintenance of the village police as forming in every village the best security of internal peace. They pointed out that the village police secures the aid and co-operation of the people at large in the support and furtherance of its operations, because it is organised in a mode which adapts itself to their customs; that any system for the general management of the police of the country which is not built on that foundation must be radically defective and inadequate; and that the preservation of social order and tranquillity never can be effected by the feeble operations of a few darogas and peons stationed through an extensive country, wanting in local influence and connection with the people, insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and control of the Magistrate and surrounded with various temptations to betray their trust. The Court, therefore, directed that measures should be taken to re-establish the village police, agreeably to the usage of the country, and that where it was in a neglected condition it should be restored to its former efficiency. The Court anticipated from this measure a reduction of the greater part of the daroga establishment and also of the police corps then maintained. They were opposed to investing zamindars generally with police

powers, as that measure had been tried and had failed in Bengal, but they agreed to such authority being given in particular cases of approved respectability and willingness to co-operate in promoting the views of Government. The Court finally directed that the duties of Magistrate and the control of the police should be transferred from the Zilla Judge to the Collector. Sir Thomas Munro and Mr. Stratton were appointed Commissioners to carry out these instructions in Madras, and on their recommendation Madras Regulation XI of 1816 was passed for the purpose of establishing, a general police system throughout the presidency. The system which was then introduced was thus described by Sir Thomas Munro : "We have now in most places reverted to the old police of the country, executed by village watchmen, mostly hereditary, under the direction of the heads of the villages, tahsildars of districts and the Collector and Magistrate of the province. The establishments of the tahsildars are employed without distinction either in police or revenue duties, as the occasion requires."

In Bombay effect was given to the views of the Court of Directors by Regulation XII of 1827, which established a system of police "founded chiefly on the ancient usages of the country," and similar in all essential particulars to that adopted in Madras. At the head of the police was the Collector and Magistrate, aided by his Assistants ; next came the mamlatdar or tahsildar, whose establishment of peons was used indifferently for revenue and police purposes ; and below the mamlatdar was the patel or village officer, who was authorised to employ on police duties all the revenue servants of the village. The head-quarters station and a certain area around it were at first placed, for police purposes, under the Criminal Judge, but this arrangement was soon abandoned as unworkable. The general superintendence of both criminal justice and police was vested in the Court of Sudder Faujdari Adawlut.

In Bengal, owing mainly to the permanent settlement and the consequent absence of the subordinate revenue establishments found in Madras and Bombay, it was impossible to abolish the

daroga and his men, but some attempt had been made in 1811 to curtail his powers for evil by removing from his cognizance all complaints of petty offences as well as of bailable offences, such as forgery, adultery and the like.

14. That this measure produced little improvement will be shown later, but meanwhile it is necessary to notice an important step taken in 1808, as it marks the first attempt to introduce special and expert control. This was the appointment of a Superintendent—or, as he would now be called, an Inspector-General—of Police for the Divisions of Calcutta, Dacca and Murshidabad. This office was constituted for the purpose of concentrating information obtainable from different parts of the country, with a view to more extensive and concerted operations for securing the peace, and especially for the discovery and seizure of gangs of dacoits. The Superintendent, who himself held the office of Magistrate of the 24-Pergunnahs, was given what may be described as a superior concurrent criminal jurisdiction with the several District and City Magistrates, and was directly subject to the authority of the Nizamut Adawlut. He had the power to grant pardons and he worked largely with the aid of informers and spies (goyendas), thus foreshadowing the methods used so successfully at a later period by Colonel Sleeman in his campaign against the crime of thagi. The results obtained by the Superintendent of Police, especially in the suppression of dacoity, were so satisfactory, that in 1810 the system was extended to the Divisions of Patna, Benares and Bareilly, the first being placed under the existing Superintendent and an additional Superintendent being appointed for the other two. The system of working with informers was, however, warmly attacked, and as warmly defended. A number of goyendas were found guilty of having themselves committed dacoities with the connivance of the police, but it was maintained that the risk of such incidents was far outweighed by the benefits conferred by the system, under which dacoity had been completely stamped out in some districts and greatly reduced in all.

In 1829 Divisional Commissioners, or Commissioners of

Revenue and Circuit, as they were called, were first appointed, and the office of Superintendent of Police was then abolished, partly because its retention would have involved a dual control over the Magistrate, but mainly on the ground of expense. The office of Magistrate was at the same time transferred from the Judge to the Collector, and the Collector-Magistrate became the head of the police, while the functions of Superintendent were performed for each Division by the Commissioner. These changes were followed by a deterioration in the state of the police and an increase of crime, especially dacoity.

15. The Select Committee appointed in 1832 to report on the affairs of the East India Company collected much valuable information on the subject of the police administration. The subordinates were shown to be corrupt, inefficient and oppressive, while the superior officers, owing to the multiplicity of their duties, were unable to exercise an adequate supervision. Four years later, after the renewal of their Charter, the Court of Directors drew attention to the improvements called for in the police, and expressed a desire that "no financial considerations should be allowed to stand in the way of a change so urgently required."

16. No immediate action was, however, taken anywhere except in Bengal, where a committee was appointed for the purpose of drawing up a plan for the more efficient organization of the mofussil police. In their report, submitted in 1838, the committee expressed a general concurrence in the view that the transfer of the superintendence of police to the Commissioners had resulted in a want of uniformity in its direction and management, since each Commissioner treated general questions according to his individual views; and that without uniformity or control no real improvement could be effected—a conclusion which is of interest in connection with developments in police administration that took place at a later date in Bombay and continue to the present time. No definite recommendation was made on this subject; but Mr. (afterwards Sir Frederick) Halliday, in a Minute of Dissent, proposed, among other sweeping reforms

that the whole force should be placed under the control of a Superintendent General, with four covenanted officers as Deputies, and a Superintendent and an Assistant Superintendent for each district—a scheme of organization which was introduced almost in its entirety some 25 years later. Nothing, however, was done at the time, and it was in Bombay, ten years later, that the first steps were taken along the path of reform.

17. After the annexation of Sind in 1843, one of the first measures undertaken by Sir Charles Napier was the organization of a regular police force. Napier took as his model the Irish Constabulary, as the circumstances of the newly conquered province required a semi-military rather than a purely civil force. The most important feature, however, in which the new force differed from the police of the rest of the country was in its being a separate and self-contained organization, its officers having no other functions to perform. This characteristic of the system attracted the attention of Sir George Clerk, the Governor of Bombay, who visited Sind in 1847. He attributed the unsatisfactory condition of the Bombay police to inefficiency in its superintendence, and he was quick to see that the Sind method of organization provided a remedy for this defect. In 1853, therefore, the Bombay police was remodelled, the leading features of the reform being the appointment to every district of a Superintendent, who, while generally subordinate to the Magistrate, had exclusive control over the police; the appointment to every tahsil of a native police officer, holding to the mamlatdar (tahsildar) the same relations as those between the Superintendent and the Magistrate; and the transfer of the supreme control over the police from the court of Faujdari Adawlut to the Government. This last was the weak point in what was otherwise an excellent scheme, for the Government control devolved upon the Judicial Secretary, an arrangement which proved unsatisfactory and was abandoned in 1855, when the administration of the police was transferred to a Commissioner of Police, who was also Inspector of Prisons.

18. Madras was the next province to adopt the new police.

The Torture Commission of 1855 had brought to light great abuses in the working of the police in that presidency. One of the witnesses before the Commission stated that the police was a terror to well-disposed and peaceable people, none whatever to thieves and rogues ; and that if it was abolished *in toto* the saving of expense to Government would be great and property would be not a whit less secured than it then was. Another witness deposed that the police establishment had become the bane and pest of society, the terror of the community and the origin of half the misery and discontent that existed among the subjects of Government. The Commission recommended the separation of revenue and police functions and the placing of the police establishments under independent European officers, who would be able to give their undivided time and energies exclusively to the control of the force. The Madras Government accepted these views and recommended the appointment of a Superintendent of Police for each district, adding that it would probably be found necessary eventually to have two Superintendents in some of the large districts, an anticipation that has undoubtedly been verified by subsequent experience. They also strongly advocated the appointment of a Commissioner of Police for the whole presidency, as the success of the scheme would largely depend upon the whole force being efficiently supervised by some central controlling authority. These proposals were accepted by the Court of Directors, and a Bill was drafted by Mr. J. D. Mayne to give effect to them. It had been the original intention of the Government of Lord Harris to deprive the Magistrate of all executive control over the police, but before the Bill was passed Sir Charles Trevelyan had become Governor of Madras, and it was decided that the Superintendent should be placed under the orders of the District Magistrate. The Bill was modified accordingly and was passed into law as Act XXIV of 1859.

19. On the annexation of the Punjab in 1849 a police force was organized somewhat on the lines of the Sind police. It consisted of two branches—a military preventive police and a civil detective police. During the time of the Mutiny this force

contributed greatly to the restoration and preservation of order; and comparatively large bodies of military police were raised in the other provinces of Bengal, while the Punjab force was largely increased. The heavy expenditure involved proved a serious financial burden, and in 1860 the Government of India urged on the Government of the Punjab the necessity for a general reorganization of the police and a reduction of the cost. The question was accordingly taken up by Sir Robert Montgomery, who had in the previous year carried out the reform of the police of Oudh. The necessity for reform, however, was not confined to the Punjab and in August 1860 the Government of India appointed a commission to inquire into the whole question of police administration in British India and to submit proposals for increasing the efficiency and reducing the excessive expenditure.

This Commission recommended the abolition of the military police as a separate organization, and the constitution of a single homogeneous force of civil constabulary for the performance of all duties which could not properly be assigned to the military arm. To secure unity of action and identity of system the general management of the force in each province was to be entrusted to an Inspector-General. The police in each district were to be under a District Superintendent, who, in the large districts, would have an Assistant District Superintendent, both these officers being Europeans. The subordinate force recommended consisted of Inspectors, head constables, sergeants and constables, the head constable being in charge of a police station and the Inspector of a group of stations. No mention is made of any police officer of the rank of Deputy Inspector-General, but the Commission recommended that Commissioners of Divisions should cease to be Superintendents of Police, though it was explained that it was not intended to limit in any way their general control over the criminal administration, or their authority over District Magistrates. On the subject of the relations between the Magistracy and the police their conclusions were that no magistrate of lower grade than the District Magistrate should exercise any police functions, but that in the case of the District Magistrate it was

inexpedient to deprive the police and the public of his valuable aid and supervision in the general management of police matters. The Commission submitted a Bill, based on the Madras Police Act, to give effect to these recommendations, and this was passed into law as Act V of 1861.

20. The police forces of the various provinces, with the exception of Bombay, are still organized on the general lines laid down by the Police Commission of 1860, though there has been some divergence therefrom in matters of greater or less importance. Thus, in all the large provinces, the Inspector-General is assisted by one or more Deputies. In some instances the Commissioners of Divisions have been given definite authority in the matter of appointment, discipline and general control, and for this purpose have been appointed *ex-officio* Deputy Inspectors-General. A considerable body of military police has again come into existence, but the bulk of them are in Burma and Assam, where circumstances of a special character render their employment necessary. In most provinces, too, the subordination of the Superintendent to the District Magistrate has been carried much further than the Commission and the Legislature contemplated. This has been most noticeable in Bombay, where, by section 13 of the District Police Act, the District Superintendent and his staff are placed "under the command and control of the Magistrate of the district," who in turn is "subject to the lawful orders of the Commissioner." The office of Inspector-General, or Police Commissioner, as he was called in that presidency, had been abolished in 1860, on the ground that its existence had produced friction in the administration, and the duties attached to the post were transferred to the Revenue Commissioners. This arrangement continued in force until 1881, when Sir James Fergusson, the then Governor of Bombay, pointed to the laxity of police administration and its irregular and uncertain action, and urged the necessity for the appointment of some definite official head of the department. His views, however, were not accepted by the other members of the Government until 1884, and an Inspector-General was appointed in the following

year. But large powers of direction and control were still left with the Revenue Commissioners, and the expressed intentions of the Government of India, that these officers should hold the same position in regard to police administration as in Bengal, have never been completely carried out.

When the new police was first constituted its officers were largely drawn from the commissioned ranks of the Native Army, but for various reasons this source of recruitment became gradually closed and police officers were appointed by nomination pure and simple. This method of selection was condemned by the Public Service Commission, and since 1893 recruitment in most provinces has been by competition in England, by competition in India, and by the promotion of officers already in the public service.

21. No account of the Indian Police would be complete without some reference to the Thagi and Dakaiti Department, which owes its origin to the determination of Lord William Bentinck to suppress the terrible crime of thagi. Systematic operations for this purpose were commenced in 1830, and Captain Sleeman was placed in charge of them five years later. His own description of his method of working is well known, and a very brief notice of it will suffice here. Guided probably by Mr. Blaqui  re's success in suppressing dacoity by means of spies and informers (goyendas), which has already been referred to, he developed that system still further by enlisting the services of convicts who were willing to give information in return for a pardon. The rapid success of the operations was remarkable, and in a comparatively short time thagi had ceased to exist as a systematically organized and widely spread crime. In 1839 the task of dealing with dacoity was added to the duties of the department. On the recommendation of the Police Commission of 1860 the department was abolished as a special agency in British territory as soon as the organization of the police in the several provinces was sufficiently advanced to admit of it. Since that time operations have been confined to the Native States in Rajputana and Central India, and to Hyderabad, though an agency existed in Baroda from 1871 to 1883. The department deals only

with organized dacoity which has ramifications over India. With purely local crime it is not concerned. At one time it undertook the control of operations for the settlement and reclamation of criminal tribes, but it now no longer exercises any control over these. Its staff consists of a General Superintendent, who has Assistants and subordinate establishments in Rajputana, Central India and Hyderabad. It acts also to some extent as a central office of criminal intelligence for the whole of India.

22. In the foregoing paragraphs the history of police organization has been traced from its foundations in a system of village and local police and joint responsibility, through the changes introduced with somewhat disastrous results by the early British administrators, down to the reforms that were carried out about the year 1860. It will now be considered how far the expectations of the authors of those reforms have failed of fulfilment; the popular estimation of the police will be discussed; and the modifications required by changed conditions will be examined. The system introduced in 1860 was, on the whole, a wise and efficient system. It has failed for these among other reasons: that the extent to which the village police must co-operate with the regular police has been lost sight of, and an attempt has almost everywhere been made to do all the police work through the officers of the department; that the importance of police work has been under-estimated, and responsible duties have ordinarily been entrusted to untrained and ill-educated officers recruited in the lowest ranks from the lower strata of society; that supervision has been defective owing to the failure to appoint even the staff contemplated by the law and to increase that staff with the growing necessities of administration; that the superior officers of the department have been insufficiently trained and have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their own subordinates; and that their sense of responsibility has been weakened by a degree of interference never contemplated by the authors of the system.

II

This Chapter of the Report deals with the important and difficult subject of the village police. Here the Commission lay down that it is of paramount importance to develop and foster the village agencies available for police work. They go on to sketch the history of the village police in the different provinces of India and to notice the extent to which it is utilised in police administration. Thus they lead up to the specific recommendations :—

- (1) That the responsibilities of the village watchman for the performance of village police duties should be recognized and enforced in every province, and that the village watchman should be a village servant, subordinate to the village headman and not to the regular police.
- (2) That the supervision and control of village headmen should be entrusted to the Collector or Deputy Commissioner and his subordinate officers.
- (3) That the regular periodical attendance of village watchmen at the police station is unnecessary and undesirable.
- (4) That it is expedient to relegate the trial of petty offences to village headmen and panchayats, and that, where this system does not exist, it should be cautiously and experimentally introduced.

The Government of India agree entirely with the principles enunciated by the Commission. They have invited the local Governments to undertake a careful review of the village systems of the provinces with reference to the possibility of preserving them from decay by rendering them more efficient agents in the prevention and reporting of crime. This, it would seem, may best be effected by conferring upon the village officers a defined status and powers to deal judicially with certain kinds

of offences. Their dignity and authority will thus be greatly enhanced, and they will be enabled to relieve the regular criminal courts of trivial cases. The question, however, is so closely connected with the systems of land tenures and village organization, which differ from province to province, that it will probably have to be dealt with by separate legislation for each province.

Government of India's Home Department Resolution, dated the 21st March, 1905,

The Commission are strongly convinced of the impossibility of carrying on an efficient police administration by means of official policemen only. It is absolutely essential to secure the aid of the village community. This is necessary from the purely Government point of view: it is impossible to support the expense of a force which would be adequate to obtain information regarding crime over the extensive area and among the vast population of India, without securing the co-operation and enforcing the responsibility of the village authorities. It is necessary also from the people's point of view: even if the expensive establishment required could be maintained, it would be vexatious and intolerable to the people. Constant interference by the police, constant espionage on village life, constant visits of officials of the lowest grades, constitute an intolerable burden and vexation to the people. It is immeasurably better to utilise and develop the village agency for reporting crime, to leave the people, as far as possible, to dispose of petty matters for themselves, and to limit interference to villages where there has been failure in the discharge of responsibility in respect of reporting, or to cases in which the matter is serious enough to demand interference.

As a matter of fact, the assistance rendered by the people in police administration is generally said to be valuable. There is undoubtedly evidence that the people are not as a rule inclined to aid the police in investigations, and that the reporting of crime is not wholly satisfactory. But in respect of reporting of crime, the evidence is general, that it is ordinarily petty offences that are not reported. Sometimes it happens that the persons responsible for reporting are interested in suppressing the report and are consequently willing to run the risk of punishment for not reporting; but ordinarily serious offences are duly reported. As to the attitude of the people in regard to investigation of offences and the detection of offenders, there can be no

doubt that it differs widely from the attitude of the people of England. The people of India are not generally actively on the side of law and order ; unless they are sufferers from the offence, their attitude is generally at the very best one of silent neutrality ; they are not inclined actively to assist the officers of the law. But, on the one hand, it must be remembered that the conception of public interest and public duty has not been nearly so fully developed in India as in England. On the other hand, it must be remembered that a police investigation always must entail some measure of worry and annoyance, that the prosecution of cases involves interruption of village work and of easy village life and often also very considerable trouble and expense, and that these inducements to silence and neutrality have been greatly strengthened by the defective character of police and magisterial work.

If a reference be made to the "Report of the English Constabulary Force Commissioners," presented to Parliament in 1839, it will be seen how necessary for "throwing away good money after bad" in prosecuting, "the trouble and expense which are sustained in pursuing and apprehending felons," and the fact that "the expense, trouble and loss of time in cases of misdemeanours, are frequently more mischievous than some felonies," are assigned as "the motives to withhold information or abstain from prosecution" and the causes of the failure to secure "the general support of the community" in police work. The perusal of that report inspires the Commission with hope that, if police reform in England, initiated by Sir Robert Peel, has converted the state of things described therein as existing sixty years ago into the state of things now existing in that country, earnest efforts to reform the police of India may in due time produce incalculable benefit. Meanwhile, however, it is sufficient to remark that, despite the evidence regarding the occasional non-reporting of offences of a serious character and the more general failure to report petty offences, and of the want of the cordial co-operation of the people in police work, which is largely due to such causes as have been indicated, yet there is a mass

of evidence that, where the responsibility of the village authorities is enforced and their services are utilised, their co-operation is of immense value. The best magisterial and police witnesses testify to the valuable aid the village authorities give in reporting crime, in investigating offences and not infrequently in arresting offenders. The Commission desire strongly to recommend development and more full utilisation of this valuable agency. It is an agency the duties and responsibilities of which are in accordance with Indian traditions and usages and are well understood by the people. It forms generally a sound basis for efficient police administration. Its employment will save the people from much unnecessary and vexatious interference, while securing an important link between the police and the people.

It will be convenient at this stage to notice briefly the extent to which the village agency is utilised in the different provinces of India. In the Madras presidency, throughout the ryotwari area, the headman is the revenue head of the village; but in Malabar and South Canara, and in a measure in Tanjore also, the office was the artificial creation of Government to meet administrative necessities. Regulations IV and V of 1816 (*cf.* Madras Act I of 1889) empowered the village headman, assisted sometimes by a panchayat, to dispose of simple civil suits of small value. Regulation XI of 1816 placed the village police under heads of villages whose police duties (in regard both to reporting and investigating offences) were defined, and also invested them with criminal powers in certain cases. Several changes in the direction of more formal definition have been introduced in regard to emoluments, hereditary succession, etc., but the provisions of these regulations are still in force. Though the popular character of the system has been perhaps less prominent of late, the village headmen in this presidency are in a more efficient state and, in districts where the matter receives due attention, relieve the general administrative machinery of the work of deciding petty disputes—both civil and criminal—to a far greater extent than in any other part of India.

The civil work they do is of great importance ; but it is with their criminal work that the Commission are concerned. In 1901, 10,735 cases, involving 17,047 persons, were disposed of by village headmen in their capacity as village magistrates, and though their work as police officers (with the assistance of taliaris or village watchmen) is admittedly capable of improvement, it is very considerable. Most of the reports of crime at police stations are received from village magistrates through taliaris and not from beat-constables; and without the help of the village authorities the regular police could effect comparatively little. Attention had been drawn to the unsatisfactory position of village officers in zamindaris or permanently-settled estates. This matter became the subject of legislation in 1894. The provisions of Act II of 1894, which seem well considered and generally sound, have not yet been fully applied and practically tested : the results to be anticipated are of great interest and importance.

In Bombay the village police were placed under the District Magistrate in 1852 by orders which fully repay careful perusal. The results of the reforms then ordered were pronounced in 1861 to be "most satisfactory"; and in 1867 the Village Police Act (Bom. VIII of 1867) was passed, which explains in detail the duties of the village police. There is for each village (very rarely for a group of villages) a police patel and subordinate to him are the village watchmen. All these appointments are more or less hereditary. The patels are remunerated by grants of rent-free land or (rarely) by cash. The village watchmen are remunerated, in Gujerat by grants of land or cash allowances, and in the Deccan by grants of land and cash allowances, by perquisites paid by the villagers. The evidence shows that the village police do not a little good work, and that this system is admirably adapted to the conditions of the country and should be retained at all costs. The first and most important reform require is a thorough revision of the village police establishments and their emoluments. Generally speaking, revision will be necessary only in the case of village watchmen. Proposals were made in this direction by a Committee appointed in 1873; but

these were too expensive. The lines adopted by the Collector of Ahmedabad for the gradual re-adjustment of emoluments and the revision of the establishments of that district (*vide* Government Resolution No. 9, dated 3rd January 1900) are more reasonable, and might well be followed *mutatis mutandis* in other districts. Another reform is to improve the patels by insisting on the appointment of suitable men, by a more liberal use of the provisions of the Village Police Act, by which they can be empowered to dispose of petty cases, and by rewarding good work. What is required is to take up the work of reform systematically. It is not desirable that one system should be applied to every district; but it is desirable that the reform should not be attempted by fits and starts, but persisted in systematically.

In regard to Sind the evidence is strong that it has been in accordance with the customs and traditions of the province for zamindars and landowners to assist the police, but that consistent efforts have not been made to maintain and foster these relations. Landowners are beginning to lose sight entirely of the responsibilities of their position in respect of reporting offences and assisting in their detection. Several officers of experience have spoken strongly of the impracticability of now introducing any scheme for enforcing that responsibility. On the other hand, the Commission have had very strong evidence that it is not too late to introduce or maintain a system whereby the zamindars and village of tribal headmen should be responsible for reporting offences and assisting the police in the manner indicated in the Criminal Procedure Code. The Commission are of opinion that such a system is necessary in Sind, and that there is nothing in the circumstances of the province to justify its being regarded as impracticable. They are also of opinion that the evidence reveals the existence in Sind of a body of influential landowners who might be largely utilised in the investigation and disposal of petty cases. One point that must be insisted on in regard to these landowners (great or small) is that they must not be placed under the police, burdened with a number of miscellaneous duties, or treated with harshness or

indignity in respect of their work. The tendency to this has too frequently made the office of headman an offence elsewhere. They must be recognized by the District Magistrate and his subordinates as honourable co-adjutors.

In the United Provinces, the revenue unit is the mahal, an area of land either compact or consisting of a number of plots for which one engagement is taken for the payment of revenue. If the mahal is the property of more than one person, the management may either be in the hands of one of them, or groups of sharers may be in separate possession of their own shares. In the Eastern districts separate possession is the rule; in the Western districts joint management still holds its own. For administrative reasons the engagement for the revenue was taken from the representative of the body of proprietors; and but for the fact that partition has produced a large number of small mahals, the lambardar would ordinarily have been an influential person. His appointment is generally regarded as hereditary, and, as a rule, he receives as remuneration 5 per cent. of the revenue collections. He has had no responsibility for criminal administration as lambardar, though under the Regulations in force until 1862 he shared the responsibility of other proprietors. The responsibilities are now defined by section 45 of the Criminal Procedure Code. In many cases there are several proprietors in each village; but that section gives the power appointing a headman to each village, and so fixing the responsibility for information on one man. Rules for the appointment of headmen were issued under that section in January 1895, the object of which was clearly that the lambardar should ordinarily be the headman, and that in case of his non-residence, an influential resident, approved by him and the other proprietors, should be appointed. The police were to have "no authority whatever over village headmen. A village headman must not be required to investigate crime or to dance attendance on the police while they are investigating it. His duty is to report." This scheme has not been successful; because the appointments were hastily and carelessly made and the lists of mukhiyas, as these

headmen were called, included menials, criminals and men of no position or standing even in their own villages. Besides this, the system was at fault in making the responsibility of the headman and village police officer to coincide instead of making the former superior to the latter. In 1900, orders issued for the careful revision of the lists of mukhiyas; but the evidence clearly shows that revision has not gone far enough, and the average mukhiya is still a man of little or no influence. It seems to the Commission that the remedy is to carry out the original intention that it should be the exception for a mukhiya to be other than a lambardar. In villages where there are tenants of large holdings who are also mukaddams or padhans (selected by a proprietor to assist in collecting rents, etc.), these might be appointed mukhiyas as agents of the non-resident lambardars. In other cases of non-residence, the lambardar, non-resident though he be, should be held responsible that the chaukidars or village police officers do their duty. The possession of land implies certain responsibilities; and if the owner does not live on the land, he should make such arrangements as will insure the discharge of these responsibilities. The orders of 1900 also contained a provision directing investigating police officer to take the mukhiya into his confidence and not only secure his aid but also his signature in token of agreement and of the non-existence of any cause of complaint. The evidence before the Commission shows that this method of formal association of the headman with the police cannot succeed. The headman should undoubtedly assist the police, but it is hopeless to attempt to use him in this way as a formal check on their proceedings. The chaukidars' duties are watch and ward, reporting to the police, and certain limited powers of arrest. It is unnecessary here to discuss these in detail. Suffice it to say that, on the whole, the evidence shows the chaukidars to be a very useful body of men.

In the Central Provinces, the malguzari system of tenure generally prevails, but there are also ryotwari tracts. The headman in every village is the mukaddam, whose duties are defined

in section 141 of the Central Provinces Land Revenue Act, which makes him responsible for the administration of the village and places the village servants under him. In malguzari villages, the lambardar is appointed mukaddam, except when the lambardar is of bad character, or is a woman and unable to do the duties of mukaddam. If the lambardar is non-resident, he is still appointed mukaddam, but has to appoint a resident mukaddam gomashta (who is either a paid agent or a ryot), whom he must remunerate properly, generally by remitting part of his rent. The remuneration of this mukaddam gomashta requires further attention. In ryotwari villages the patel is mukaddam. Thus for every village there is a mukaddam. No remuneration is required, as the lambardar and patel are both remunerated for their revenue duties. The police duties of the mukaddam are confined to reporting crime and assisting the police. In these he is assisted (as in his other duties) by the kotwar or village watchman. These duties are well performed; and generally the position of the mukaddams and kotwars is satisfactory. The appointment (subject to the consideration of hereditary claims and of the wishes of those who are interested), punishment and dismissal of these officers rests with the Deputy Commissioner or Collector. The police have no direct control. Advantage has been taken of the revisions of settlements to reduce the number of kotwars and improve their position; and the recent period of famine and distress has afforded them opportunities of confirming the impression that they are a valuable body of officers.

In Berar the system is very much like that prevailing in the ryotwari tracts of Bombay and the Central Provinces. The village officers are, as a whole, efficient aids to the district police in the matter of reporting crime; but the jaglias or village watchmen are reported to be unsatisfactory in their police work. This seems to be mainly due to the failure of revenue officers to attach sufficient importance to this part of the village servant's duties. It would not be an appropriate remedy to bring them more under the police. Neither does the Commission approve of

the proposal to appoint village panchayats to check reporting by village officers or to supply information which they suppress. To associate panchayats with village headmen in the discharge of some of their duties may often be expedient and popular, but to appoint them as spies or informers would be a fatal mistake. The Commission strongly approve of the proposal for a liberal system of rewards to headmen and watchmen who do good work.

In the Punjab responsibility for the peace of the village and for reporting crime rests primarily on the lambardar. In some parts of the province, where there are more lambardars there is selected from among them an ala-lambardar (or chief headman). But under arrangements made at more recent settlements, the number of ala-lambardars is being gradually reduced. The lambardars are, therefore, regarded as jointly responsible for the performance of their duties. Besides these there is a superior officer, called zaildar or inamdar, who supervises the headmen of the village of his circle, which includes, as far as possible, people of one tribe, or villages which have some connection or affinity. He also reports certain offences, assists in the investigation and prevention of offences and in the arrest of criminals, and sees that headmen do their duty. All these officers receive regular remuneration. The system does not seem to require great modification; but it would be much improved if reduction in pursuance of a scheme were made in the number of lambardars in most districts of the province. The Commission would also like to see the employment of zaildars and headmen in the disposal of petty cases. They think that this should be experimentally introduced in selected areas and gradually extended. As to village watchmen, the chaukidari system seems to be working well, and should be interfered with as little as possible: the orders of 1898 seem adequate. All that is required is careful regard to the proper working of the village system. In the frontier districts, most of which have been separated off to form the North-West Frontier Province, the institution of the jirga (or tribal council) is used to settle disputes and punish offences. It is regarded as a valuable institution by the Chief Commissioner

of the new province; and the Lieutenant-Governor of the Punjab is inclined at least to have it maintained in those few parts of his province which are really parts of frontier districts, and perhaps also extended to some of the northern districts.

In Burma, owing to various causes, mainly connected with the disturbed state of the country and the misapprehensions of officers regarding the essential features of the indigenous village system, that system was being subverted. To remedy this the Upper Burma Village Regulation was passed in 1887. Its success led the Chief Commissioner to propose a similar measure for Lower Burma, which was passed into law as Act III of 1889. This Regulation and this Act are based on the two cardinal principles that (1) every village must have a headman, appointed under the Regulation or Act, residing in the village or so close to it that he can efficiently perform in his own person the duties imposed on the headman by the law; and (2) every village headman should be responsible for the collection of the revenue in his jurisdiction, and should get the whole of the commission. The new law has worked successfully by in both Upper and Lower Burma. It only remains to complete the settlement of the remuneration of the headmen in some districts of Lower Burma in accordance with a scheme which is gradually being introduced and is now well advanced. The gain in administrative efficiency is universally admitted to be great and to be more than commensurate with the increase in work. The new law defines the duties of village headman, which include the reporting of certain offences, arrest of certain offenders or suspicious characters, and the disposal of complaints in petty cases. The provision regarding the grant of enhanced powers to certain selected headmen operates also as an encouragement to good work. The headmen are controlled by the Deputy Commissioner (or Collector) and his subordinates. Year after year they are commended for their ready co-operation with the police and the work they do is of great value. The principal reform required is to aim at educating them; and the Local Government is doing something towards assisting in the education of the rising

generation of headmen. The headmen in Lower Burma are assisted by se-ein-gaungs (or ten-house men) who are a kind of rural police; and the headmen in Upper Burma are assisted by ywagaungs or agents in outlying hamlets. These are not remunerated. The Commission have no proposals to make in this matter. The system of village police is suitable and only requires careful working. Some witnesses objected to the enforcement of village responsibility by the fining of villages: but the Commission ascertained that these witnesses were generally ignorant of the careful limitations prescribed by the Local Government in Circulars 17 and 18 of 1896 (as to Lower Burma) and in Circulars 40 and 41 of 1896 (as to Upper Burma). The provisions of the law, if worked on the lines laid down by the Local Government, seem to the Commission to be consistent with Burman traditions and sentiment, and not to be inexpedient.

In Assam there are three systems at work. In the Hill Tracts there are hereditary or elective headmen who are responsible to report the occurrence of heinous offences and are empowered to deal with petty cases. The system seems to be suited to these localities and to be working fairly well. In the Assam Valley, the gaonbura or headman is undoubtedly the village officer to be made responsible for efficient reporting of crime. The Chief Commissioner has submitted to the Government of India reasonable proposals for remunerating gaonburas by a grant of rent-free land. It is necessary also to define their police duties with more precision, holding them responsible for the reporting of all cognizable offences other than petty. There are no chaukidars in the Assam Valley; crime is very light, and the population orderly: and local opinion is against the appointment of chaukidars. The Commission are of opinion that so long as the members of the village community are prepared to arrange themselves to assist the gaonbura in the discharge of his responsibility for reporting offences and keeping the peace of the village, the establishment of a separate agency at their expense need not be insisted on. But they should regard this as inevitable, in case they fail to render the necessary assistance. In the

Surma Valley districts and Goalpara there is practically the *chaukidari* system of Bengal. The Chief Commissioner has his attention directed to this system; and the most important point for consideration seems to the Commission to be how far landowners are to be utilised and held responsible for co-operation in police work. There was considerable evidence that, if landowners were associated with the *panchayats* in reporting, and if the best of them were empowered to dispose of petty cases, great advantage would result. *Gaonburas* might be similarly utilised.

The village police in Bengal is partly derived from the old village system and partly the result of British rule during the last century. In parts of Bengal, including the Patna, Bhagalpur, Burdwan and Orissa Divisions, there were considerable traces of the old village system. In Chutia Nagpur, parts of Orissa and some Bengal districts there were numbers semi-military officials remunerated for their services by military fiefs. In Northern and Eastern Bengal the village system does not appear to have existed; and the village watch there is mainly the creation of the British Government. When the zamindars lost the control of the police, the village watchmen were (by section 13 of Regulation XXII of 1793) declared subject to the orders of the newly-appointed *darogas* and became dependent on the regular police, though they remained in some respects the private servants of the zamindars. At the same time the zamindars were held responsible for giving information of crimes and for helping to arrest the perpetrators. The system is stated to have failed from the "utter inability of the public authorities to secure the co-operation of the people in the administration of the law." This was largely ascribed to "the power of the landholders and their local agents, whose reign, silently acquiesced in, extends to every house in every village of the country, and whose influence is used in support of, or in antagonism to, the law, just as may appear to be most advantageous to their interests." The attention which was drawn to the great defects of the system led in 1869 to the appointment of a Committee to

reconsider the whole question and to draft a Bill for the reform of the village police, based on the principle of confirming the municipal character of the rural police and providing the simplest possible means of ensuring the regular and prompt payment of their wages. This Bill became law as Act VI (B. C.) of 1870. This Act "was framed in a spirit of entire trust in the village community, and it was hoped that, when the control of the village police was placed in the hands of the villagers themselves a sense of self-interest would induce them to co-operate honestly and cordially in the detection of crime, and that a sense of justice would induce them to see that the village watchman was regularly paid." Although this Act led to some improvement, the system did not work well; and in 1881, Mr. Munro, C.B. (then Inspector-General of Police), suggested the appointment of a Commission to deal with the whole question. The recommendations of this Commission, submitted in 1883, led to certain amendments of the law, and finally to the passing of Act I of 1892. This Act was introduced by Mr. (now Sir Henry) Cotton, who pointed out that it introduced a modification of the principle underlying Act VI (B. C.) of 1870, that the control of the village police was to rest with the villagers. He remarked "the inhabitants of a village have no claim to a municipal administration in any respect, still less have they any claim to control the police. For the discharge of such duties the highest possible qualifications must be secured, and when the low calibre of the men who constitute a village panchayat is considered, the advantage appears to be wholly on the side of a police administration by the Central Government." It was stated at the same time that it was intended to retain the local knowledge of the chaukidars by necessitating their being residents of the village in which they are employed. The main provisions of the Act were that, though the panchayats might nominate chaukidars, the power of appointing them, determining their number and fixing their salary, was vested in the District Magistrate. He was also empowered, if he thought collection badly done, to appoint a tahsildar or Government collector of the

chaukidar tax. The chaukidars were to be punished by Government officers and paid by officers appointed by the Government, the only control exercised by the panchayat consisting in reporting any failure in the performance of duty. The aim of this legislation, as well as the demand of police reformers for years before, was to bring the village police into closer touch with the regular police. Since then the daffadari system has been introduced, though not yet legalised, whereby a daffadar is appointed to supervise the work of about 10 to 20 chaukidars. The panchayats also now represent larger areas than formerly, the object being to secure better men. However necessary this system may be in the peculiar circumstances of Bengal, it is certainly not a system of village police as generally understood. It is more of the nature of a low-paid regular constabulary with the one small redeeming feature that each constable resides in his own village and must be more or less subject to the influence of village opinion. The Commission are not prepared, in view of the history of the case and the general trend of official opinion, wholly and definitely to condemn the system. But they consider that it has proceeded on a misconception of principle. The point is not whether a village can claim to control its own police, but whether the co-operation of the village community in police work is not of the highest value, if not, indeed, absolutely essential; and the Commission have very grave doubts whether the Bengal system has not been too extensively introduced. There is clear and weighty evidence that the means of securing village co-operation exist at all events in certain parts of this province as in the rest of India; and where they exist, advantage should be taken of them, whether by employing landholders or leading ryots separately or as members of panchayats. The attempt made to do this in 1870 was marred by certain unsuitable provisions of the law. A fair trial can hardly be said to have been given to the village system. The Commission have also formed the impression that, with some striking exceptions, there is too little interest in village police displayed by Collectors in this province. The appointment of panchayats is a matter

which demands the closest attention of the District Officer and his subordinates. The Commission are disposed to attribute the failure of the panchayat system in some measure at least to this lack of interest. They regard the setting aside of the panchayat from all control over the chaukidars as a most serious defect in the system. If the present system is to be maintained they would like to see the panchayat or its members employed in some measure at least as they desire to see headmen employed in other parts of India. The main object of the village police system is to secure the co-operation of the people. The Commission are far from convinced that it is hopeless to aim at securing this object in Bengal. There is also a large body of evidence that the assessment falls too heavily on the poor ; that the maximum payment of one rupee a month should be raised ; and that the Principle of payment for protection appears to demand a certain assessment on lands in possession of resident and non-resident owners as on houses. Some of these are matters on which the Commission do not feel called on to express an opinion ; but they are all matters which the Local Government should carefully consider before proceeding to prescribe the definite rules for assessment and revision of assessment which are undoubtedly required.

Returning now to the general consideration of the subject, the Commission desire to record the strong impression that has been made on their minds in the course of this inquiry of the paramount importance of maintaining and fostering the existing village agencies available for police work. With reference to this question, the Commission desire to emphasise their conviction, that the village police ought not to be separated from the village organisation and placed under the regular police. They desire to see, not a body of low-paid stipendiaries or subordinate police scattered over the country, but the utilisation of the village agency itself. The village is the unit of administration. Improved administration lies in teaching the village communities to take an active interest in their own affairs. The village community is represented (ordinarily) by its headman ; and effective police administration must be based on the recognition

and enforcement of the responsibility of the headman. He is the man who can really help the police; his position and influence should be strengthened; and it is to him that the police should look for co-operation in their work. This is the basis of the provisions of section 45 of the Criminal Procedure Code, which make the headman responsible for the communication forthwith to the Magistracy or police of information concerning certain offences and offenders, and empower the District Magistrate (subject to rules made by the Local Government) to appoint village headmen, for the purposes of this section, where there is no such headman appointed by any other law. The Commission consider it to be of vital importance to emphasise the responsibility of the village headman, and to hold the village police officer, by whatever name he may be locally known, responsible rather as the subordinate of the village headman and his servant for the performance of police functions. The village headman for police purposes ought, as far as possible, to be the man recognized as headman in respect of the revenue and general administration of the village: where that is impossible, he ought to be a man of position and influence in the village; and the District Officer ought to maintain and strengthen his position and influence. It is necessary to repose a large discretion in him and firmly to acknowledge his respectability and authority in the village. The village police officer ought to be a village servant holding his own place in the life of the village, the subordinate of the village headman, who must be regarded as primarily responsible for crime in the village. The intimate connection and association of both these men with the people must be maintained. Both should discharge their duties as representing the village community, and as responsible to the head of the district. To place the village police officer under the thumb of the station-house officer would be to subvert the system in its essential principles, to get out of touch with the people in their customs, usages and interests, and often to place the dregs of the people over the respectable classes. The village watchman,

would become the menial servant of the police and probably become unscrupulous in his methods. He would work apart from, and often against, the village head. His intimate knowledge of village affairs would be lost, and he would become a very inferior police officer. Both the village headman and the village police officer must be regarded as co-operating with, not subordinate to, the regular police.

In almost every province of India the man who is responsible for the discharge of village police duties is also the revenue head of the village, or the representative of the revenue head. This is a state of things which the Commission regard as most satisfactory. It provides for the remuneration of the headman in connection with his revenue duties, and it indicates automatically the man whose influence and position in the village render him most suitable to be invested with responsibility in regard to police work. The lambardar in malguzari villages or the patel in ryotwari villages is the best man to appoint as headman for police purposes. Where there are several lambardars one of these may be selected, either by election by the lambardars or by the appointment of the head of the district, to be the headman for police purposes. This was the course wisely adopted by Sir Thomas Munro, when he proposed to appoint the nattamkars (or managing mirasidars elected from time to time) to be headmen in the Tanjore district. It is also the course which has been adopted in some parts of the Punjab. Where the lambardars or proprietors are non-resident, the responsibility for making satisfactory arrangements for a substitute ought to rest on them. The efforts now being made, for example in the United Provinces to revive this important feature of the village system ought to proceed on some such principle. The great defects in the efforts made here and elsewhere to establish a sound system of village police have been their want of clearly-defined principle and their spasmodic nature. If a sound system were fairly re-established, it would exercise a beneficial influence more powerful probably than any reform which this Commission can propose; and the success which has

attended the re-introduction of such a system in Burma and the efforts made to restore or strengthen it in other parts of India is most encouraging.

In this connection, the Commission would deprecate the grouping of villages. The village is the true unit in revenue administration, and is, therefore, ordinarily the most appropriate unit for police administration. To group villages tends to confuse and eventually destroy the old village arrangements. It may sometimes, however, be impossible to find suitable men or to provide adequate remuneration, without grouping together two or more small villages. If this is so, then the inevitable must be accepted. There are small villages within sight or hail of each other that may be conveniently grouped together. In that case, the interests of all the villages concerned, and the possibility of the work of all being carried on by the one village officer, should be carefully considered. Generally, however, the responsibility for reporting and prevention of offences should be attached to the representative of the village, whatever may be found necessary in regard to the disposal of petty cases.

The supervision and control of the headman in discharge of their duties should be entrusted to the head of the district. In this he will, of course, be assisted by his subordinates. No punishment of a headman ought, however, to be inflicted except under the orders of the District Officer, or of carefully selected Sub-divisional Magistrates to whom certain powers may be delegated. Failure in the performance of duty should be reported by police officers; much good work may be done in this way, provided that they exercise reasonable discretion in making such reports. The District Officer ought to give due attention to all such reports, taking suitable notice of every case of real failure, and vigorously restraining all vexatious or unnecessary interference with the village police. Too much care cannot be taken to prevent the duty of headmen becoming irksome, and their influence impaired, by bringing their conduct too often under the correction of their superiors. The District Officer's assistants and the tahsildars should be required to regard it as an important

part of their duty to supervise the work of the village police. The tendency to neglect criminal work in favour of revenue duties, of which there is considerable evidence, should be restrained. The Sub-divisional Officer and the tahsildar (or mamlatdar) should specially, each within the area of his jurisdiction and within the limits of his powers, regard himself as the representative of the District Officer in respect of both revenue and criminal work. The village accountants have also certain responsibility thrown on them in regard to the reporting of crime by section 45 of the Criminal Procedure Code. They are merely, however, auxiliaries in this matter; and it is quite unnecessary to enforce their responsibility unless they are believed to have known of concealment. They may thus serve as a check on the headman. If a few village accountants were called on to explain or bear the penalty of their neglect to report serious crime which they knew to have been concealed, they would rarely throw in their lot with the headman, and he would be deterred from wilful concealment. The great point to insist on is that the revenue officers should carefully watch the performance of police work by the village headmen and watchmen. The Police Superintendent and his subordinates should treat them with courtesy and consideration; and with an improved staff of Superintendents much improvement may be confidently expected. The village officers should not be unnecessarily harassed; and good work should be promptly and cordially recognized.

The village police officer should be regarded as a village servant and the subordinate of the headman. He must no doubt be held jointly responsible for the discharge of the duties imposed on him by the law; and he cannot be excused for neglect of duty on account of any evil influence exerted by the headman. But the latter must be held primarily responsible, except when the village police officer has (without his knowledge) disobeyed his orders. Where the headman is the revenue as well as the police head of the village, the Commission would not recommend the entire separation of certain village servants

for police work. It is better that the village servant should be the subordinate of the headman in both respects. Even where it is necessary to devote certain servants mainly to police work, it is better that they should be bound to carry out any orders they may receive from the headman. The headman should be held responsible that police as well as revenue duties are duly performed: the former must not be sacrificed to the latter. As to police work, the village watchman should carry reports for the headman, assist him in tracing offenders, do such watch and ward as the village requires, and make arrests as authorised by law. In general his power of arrest is not large enough. There is strong evidence of the necessity for authorising him to arrest not only the offender committing an offence in his presence, and offenders escaping or against whom there is a hue and cry, but also suspicious persons found under suspicious circumstances at night, and persons in possession of what he has reason to believe to be stolen property.

A great mistake has been made in some provinces in seeking to eliminate the menial classes from the ranks of village watchmen. As a rule, these make the best watchmen, when they are truly village servants. In Bengal, where they are really stipendiary rural policemen, it is quite different. There it may undoubtedly be well to secure the services of the more respectable castes and classes. But the menial classes, as village servants, are more amenable to orders and ordinarily maintain better watch and ward than the higher castes. Even members of the criminal classes ought not to be rejected if they are induced to settle down to an honest life and the steady discharge of their duties: there is great advantage in inducing them to do so; and it is in accordance with the custom of the country.

It is of great advantage that the office of village watchman should be held by hereditary right, as far as is consistent with securing suitable men. As to remuneration, no uniform practice can be laid down for all provinces. Its character must be fixed

mainly with regard to local custom. There are many advantages in having the watchman remunerated in part by rent-free land. His remuneration must only be partly in this form, so that the people may not be relieved of their duty to bear the main part of the cost of the village police. This form of remuneration gives the village watchman occupation for his own spare time and for his family, the members of which also often aid him in his work. It is a cheap way of remunerating him; for he gets not only the advantage of the rent which is remitted, but also the profits of the land. This form of remuneration is also very much prized and is a great inducement to good work. If he belongs to the predatory classes, it has the further advantage of inducing him to turn his attention to agricultural pursuits. It is objected in certain places that this is difficult to work, as it is not easy to dispossess a village servant or his alienee of the village service land. This may be so; and the Commission would not lay down a hard-and-fast rule. At the same time, it ought not to be difficult for a revenue officer to dispose of such a case; and the difficulty is generally obviated altogether by selecting village watchmen from among the small holders of land and merely remitting the whole or a portion of their rent. The arguments in favour of this form of emolument make it worth while to try to overcome difficulties in arranging for it. Another very useful form of emolument is the levying of contributions from the ryots. This keeps the village watchman in communication with the ryots and makes him realise that he is bound to attend to their interests. It marks his position as the village servant. It is most important to emphasise this, that he is the servant of the village community; and any attempt to make him a full-time or even half-time Government servant is ordinarily a great mistake. Where contributions or cesses are levied, they should be levied on the whole village community. In some provinces they are levied on land only: in others on houses only. The principle of paying for protection demands that they should be levied on both. Only menials and poor persons should be exempted, to prevent

hardship. In regard to village watchmen, as well as headmen, the Commission strongly deprecate unnecessary harassing of the village officers in respect of their police duties or otherwise. Bitter complaints, for example, are made of the way in which village watchmen are compelled to attend for days together the camp of an officer on tour, and in many ways put to unnecessary trouble and annoyance. District Officers should set their faces against this. The Commission would also urge the discontinuance of the visits of watchmen to the police station when they have nothing to report. These visits are a burden to the watchmen, and a constant source of abuse at the thana; and also tend to undermine the authority of the headman and convert the village officer into a police subordinate. The only valid argument in their favour is that important police information may be readily disseminated through the collected watchmen; but this very occasional advantage would be better secured by a system of passing on information in writing from village to village by means of the village servants, which is quite in accordance with custom and is not burdensome to any individual. Where periodical visits to the thana are regarded as really necessary, they should be reduced to the smallest possible number in the year. The Commission have no hesitation in saying that the regular "chaukidari parades," as practised in Bengal, are absolutely useless. A large number of chaukidars are assembled on one day at the police station and are seated together in rows before the officer in charge, who addresses to them a number of questions from an official catechism, and may conclude by giving them a little information. The Commission saw several such parades and were satisfied that no valuable information was or could be elicited from the chaukidars by such a method, and that they failed to understand the information which the officer in charge believed that he was communicating to them. These parades involve a great deal of worry and trouble and have no practical utility. It would be a very different thing if the officer in charge, when he happened to meet a chaukidar, would quietly obtain information from him; but to bring him away from his village and

his duties every week for a formal examination, whether he has any news to impart or not, is a mischievous and indefensible practice.

The Commission would like to see the village system consistently developed and improved. They have seen it working very well in certain parts of the country and worse in others : they would urge that the standard of the worst be gradually raised to the standard of the best. It is not radical change that is generally required, but patient and persistent efforts at improvement. They strongly approve of the efforts made in certain provinces to improve the standard of education among the agricultural community generally by adopting a suitable curriculum and suitable hours in the day and months in the year for attendance in village schools, and among headmen in particular by affording special facilities for the education of their children. They also strongly approve of the proposal to have a liberal system of rewarding headmen and village watchmen promptly and publicly in ways suitable to the classes to which they belong, such as money, paggaries, dresses of honour, etc. It has been a general defect in the past to reward the regular police and overlook the claims of the village police, who may have contributed even more largely to the success of the work which is being rewarded. Cash rewards, it must also be remembered, are usually more appreciated by a village watchman than even a more costly addition to his pay. The Commission would also draw attention to the system of "tikri-chaukidari," prevailing in the Punjab, by which, when crime is rife in any locality, the villagers are required, especially on dark nights, to aid the chaukidars in the protection of the village area. The Commission are inclined to think that this system might often (if legalised, so as to empower the District Magistrate to direct its adoption when desired by the majority of the villagers) be better than the quartering of additional police under section 15 of Act V of 1861. It is popular in the Punjab, and maintains the principle of village co-operation for the preservation of the peace. Its essential feature is that the additional patrols are

drawn by lot from among the villagers. The man on whom the lot falls either performs the duty himself or finds a suitable substitute.

A most important mode of developing the village system and utilising it more fully for the benefit of the people is to enlarge the power of the village headmen. In Madras the Commission have had before them strong evidence that the powers of the headmen in disposing of petty criminal cases may safely be enlarged to some extent. It would not perhaps be expedient to give them power to sentence to longer terms of imprisonment than at present allowed; for that involves the housing, guarding and dieting of prisoners; but enhancement of their power of fine might well be considered. This enhancement of powers might be carried out in this province and elsewhere on the principle contained in section 15 of the Bombay Village Police Act (VIII of 1867), *viz.*, that enhanced powers may be conferred on selected headmen. This would serve to encourage others to good work, as the experience of Burma has shown. In provinces where the practice of employing headmen in the disposal of petty cases does not exist, the Commission would strongly urge that it should be cautiously and experimentally introduced. It is quite in accordance with native customs and sentiment. It is safe in petty cases; forms a strong check on the resident headman. It would relieve the people from the annoyance of police interference in petty cases, without denying justice to the poor in respect of wrongs which, though intrinsically petty, may mean much to them. There is much evidence in every province that the conferring of such powers on village headmen would be welcome both to them and to the people. There is evidence also that in certain localities the association of panchayats with the village headmen in the disposal of petty cases would be popular; and such association of a panchayat with a headman might often make it possible to give him higher powers, where his own influence was not great. In the North-West Frontier Province it is strongly maintained that it would be absolutely impracticable to set a headman alone to decide

petty cases. He ought to sit down in the tribal jirga and settle the case; this is in accordance with local tradition and custom. On the other hand, there is evidence that the character of the headman's influence sometimes makes it best that he should act on his own authority. The Commission would not urge any uniform procedure in this respect. Let local custom settle the question. Where, as in Bengal, panchayats take the place of headmen, such powers might be granted to certain of them experimentally, and the system, if successful, might be gradually extended. All this would tend to develop the village system and extend its usefulness. The Commission regard it as of great importance to maintain and develop among the people a spirit of self-reliance and self-help not only in regard to police matters but also in regard to other matters of local importance. They would favour any reasonable measures to prevent the destruction of the principle of co-operation in village life and the decay of the influence of the village authorities. To this end it is necessary that District Officers should secure the confidence of the people in the interior and their active and intelligent sympathy with their views and proposals. They must go among them, be accessible to them, and let them understand the object of the policy of Government. This will be of immense advantage in every branch of district administration. It is also necessary that District Officers and the superior officers of Police should treat the village headmen with respect and the watchmen with consideration; that they should carefully supervise their work, prevent its neglect, and show full appreciation of its loyal and efficient performance; and that they should firmly repress any tendency on the part of their subordinates to harass or oppress the people. It is necessary that revenue and police officers alike should be trained to proficiency in the vernacular and to intelligent sympathy with the people, the want of which qualifications ought to stamp them as incompetent for the discharge of their duties. It is also necessary that there should be patient and persistent continuance in a consistent policy definitely prescribed and maintained.

III.

THE PREVENTION OF CRIME.

Importance of preventive work.

Of all the duties which the police have to perform there is none more important than the prevention of crime ; and it is the more necessary to insist upon this because credit is too frequently given to the police officer who shows himself successful in detection rather than to him who, by his vigilance, keeps his charge free from crime. There are some offences ; such as murder, which the police have very little power to prevent, especially in rural tracts ; but the great mass of crime, in this as in other countries, consists of offences against property, and in respect of these a good police should be able to afford a large measure of protection, either directly by regular and efficient patrolling, or indirectly by exercising an adequate surveillance over bad characters. If all persons addicted to crime were known to the police, and if proper supervision were exercised over them, the number of serious offences against property would be greatly diminished. To obtain this knowledge, therefore, and to secure this supervision should be the aim of every police system. These objects have not been lost sight of by the Indian police authorities, but the efforts to attain them have not met with the measure of success which may reasonably be demanded. The causes of failure are to be found in defects in the law, defects in the police system and defects in applying both the law and the system.

Road patrols.

The patrol of country roads in the daytime is probably nowhere necessary, while the need for such patrols at night must vary with the local customs as to night travelling and with the character of the country. In the south of India travelling by night is common and road dacoities are frequent. Brigandage of this kind is a serious blot upon any administration which

claims to be civilized, and at whatever cost it must be put down. If a regular system of patrolling is enforced the roads can be made quite secure, and the police establishment must be fixed at a strength which will allow of the requisite force being provided. It is quite unnecessary, however, for the police to patrol other than dangerous roads ; and the Commission are disposed to think that for patrol duty armed foot constables are more efficient than mounted men, except where the dacoits themselves are mounted, or where the circumstances of the tract to be patrolled manifestly demand the prompt communication of information by mounted police.

Beats in towns.

Beat duty in towns differs considerably from rural beat work and might more appropriately be called patrol duty. There is considerable evidence that owing to want of men and to inadequate supervision the protection afforded by the police leaves much to be desired, and the prevalence of burglary shows that this belief is well-founded. The remedies fortunately are simple : the police force must, where necessary, be strengthened so as to secure that every part of a town is patrolled throughout the night at intervals which will render the commission of crime difficult, if not impossible ; there must be a sufficient number of supervising officers to provide an adequate check over the beat constables ; and there must be an intelligent watch over the movements of the most dangerous criminals. With respect to the first of these proposals the Commission recommend the adoption of the scheme of duty given in Appendix VIII, which provides for a double patrol at night and at the same time gives each man one night in bed after two nights on duty. This scheme, however, will be of little use unless the beats are so fixed that each can be traversed within a reasonable time. The second of the proposals requires a relatively high proportion of head constables and possibly a judicious admixture of European sergeants, who, when carefully selected, are particularly valuable for checking night duty. The third remedy is mentioned

because it has been brought to the notice of the Commission that the present method of surveillance consists for the most part in paying a visit to the suspect's house and ascertaining by a personal interview that he is present. He knows that he will not be looked up again that night, and as soon as the police have gone he is free to sally forth and commit his depredations with but little risk. There is no attempt at secret watching, no plain-clothes patrols, no intelligent endeavour of any kind to ascertain the real movements of a suspect. The criminal is found at his house, the prescribed entry is made in the prescribed record, and routine having been complied with, the police are completely indifferent to the fact that essentials have been wholly neglected. The fault lies more with the officers than the men, and more with the system than with either, for the system provides no real training and insist mainly on the supreme importance of records and their regular and correct preparation.

Lighting of towns.

There is one other direction in which improvement would greatly assist the police in preventing nocturnal crime in towns and that is the better lighting of the streets. There are few towns in which the street lamps are left alight after midnight and many in which they are extinguished earlier. The advantages of well-lit streets in providing for security of person and property are so obvious that it ought to be necessary only to point out any defect in this respect to ensure its being remedied at once.

Receivers.

One well-recognized method of preventing offences against property is to take vigorous action against receivers. In most provinces a considerable number of persons are convicted every year of receiving stolen property, but the evidence goes to show that there is but little success in dealing with habitual receivers. It is not that the real receivers are not known to the police: they are well known, but they purchase immunity from arrest

and prosecution by giving occasional assistance in the detection of cases, while the police are sometimes actually in their pay. There is, therefore, a marked reluctance to proceed against them, their premises are seldom watched, and it is extremely rare for a police officer to ask for a search warrant under section 98 of the Criminal Procedure Code. The Commission fully recognize the difficulties in a country where every village of any size has one or more goldsmiths and where nearly every goldsmith will buy stolen jewellery. Any legislation on the lines of the English Pawnbrokers' Act would be useless, but energetic, intelligent and honest action within the limits of the existing law would secure much better results than are obtained at present. In England it is now not uncommon for the Courts to postpone passing sentence on a person found guilty of an offence against property in order to allow him an opportunity to restore the stolen goods and give information as to the receiver, on the understanding that his conduct in this respect will be taken into consideration in awarding punishment. Something of the same kind might be tried with advantage in India. Convicts might also be questioned and given a remission of sentence or a conditional pardon if the information furnished by them stands the test of examination and secures the conviction of receivers. This was the method adopted by Colonel Sleeman with such excellent results in his campaign against thagi, and the valuable lesson should not be thrown away.

Cattle-thieves.

The only other class of criminals that require special notice in connection with the prevention of crime are cattle-thieves. Cattle-theft is extremely common in India; and it is a remarkable fact that everywhere, from Peshawar to Cape Comorin, the crime is combined with the practice of restoring the stolen animals on payment of blackmail. If this practice could be suppressed, cattle-stealing would be much less remunerative, for it is not easy to dispose of stolen cows and bullocks, and the attempt to do so would often lead to the discovery of the offender.

But so long as the custom of paying blackmail continues unchecked, the gains of the criminal will be comparatively large and the risk of detection very small, for thief and owner are jointly interested in concealing all information from the police. The prevalence of the custom is no doubt largely due to the inefficiency of the police, who rarely succeed in recovering stolen cattle. The people, therefore, not unnaturally, prefer to pay blackmail and get their animals back at once rather than trust to the machinery of the law, which experience teaches them will always be slow and usually barren of result. In these cases of blackmailing an influential part is played by an intermediary, who levies a toll upon the amount of blackmail which he succeeds in extorting. By so doing he renders himself liable to punishment under section 215 of the Indian Penal Code, but that offence is non-cognizable and the police are powerless to interfere without the order of a Magistrate. This is seldom asked for, because it is especially difficult for the police to obtain information in such cases, where complainant and offender are in collusion, without a careful and prolonged investigation, and this the police have no authority to make as the offence is non-cognizable. The Commission accordingly recommend that the offence described in section 215 of the Penal Code be made cognizable, so as to allow the police to take prompt action as soon as they have reason to suspect that such an offence has been committed. These intermediaries are in very much the same position as receivers, and if their power can be broken there will soon be a marked diminution in the crime of cattle-theft, a crime which causes very serious loss, both direct and indirect, to a community mainly dependent upon agriculture. The Commission would also recommend the employment of trackers by the police in provinces where good trackers are to be found. In places where cattle-theft is unusually rife the permanent enlistment of such men on good wages would possibly be the best course; elsewhere it would probably be sufficient to encourage them by the prompt grant of substantial rewards. It should also be considered whether the Punjab Track Law (sections 41 and 42 of the

Punjab Laws Act, 1872) might not with advantage be extended to other parts of the country where the conditions resemble those of the Punjab.

Other useful preventive measures are the registration, usually by a market clerk, of the purchase of cattle, and the grant of passes or certificates of owner-ship by the village headman to any villager who proposes to take his cattle for sale. Both practices prevail in parts of the country, and their usefulness is established by experience. They have not the sanction of the law, and the Commission do not recommend that they should be made compulsory. It will be sufficient if they are given every legitimate encouragement and facility, and if the police take full advantage of them wherever they exist.

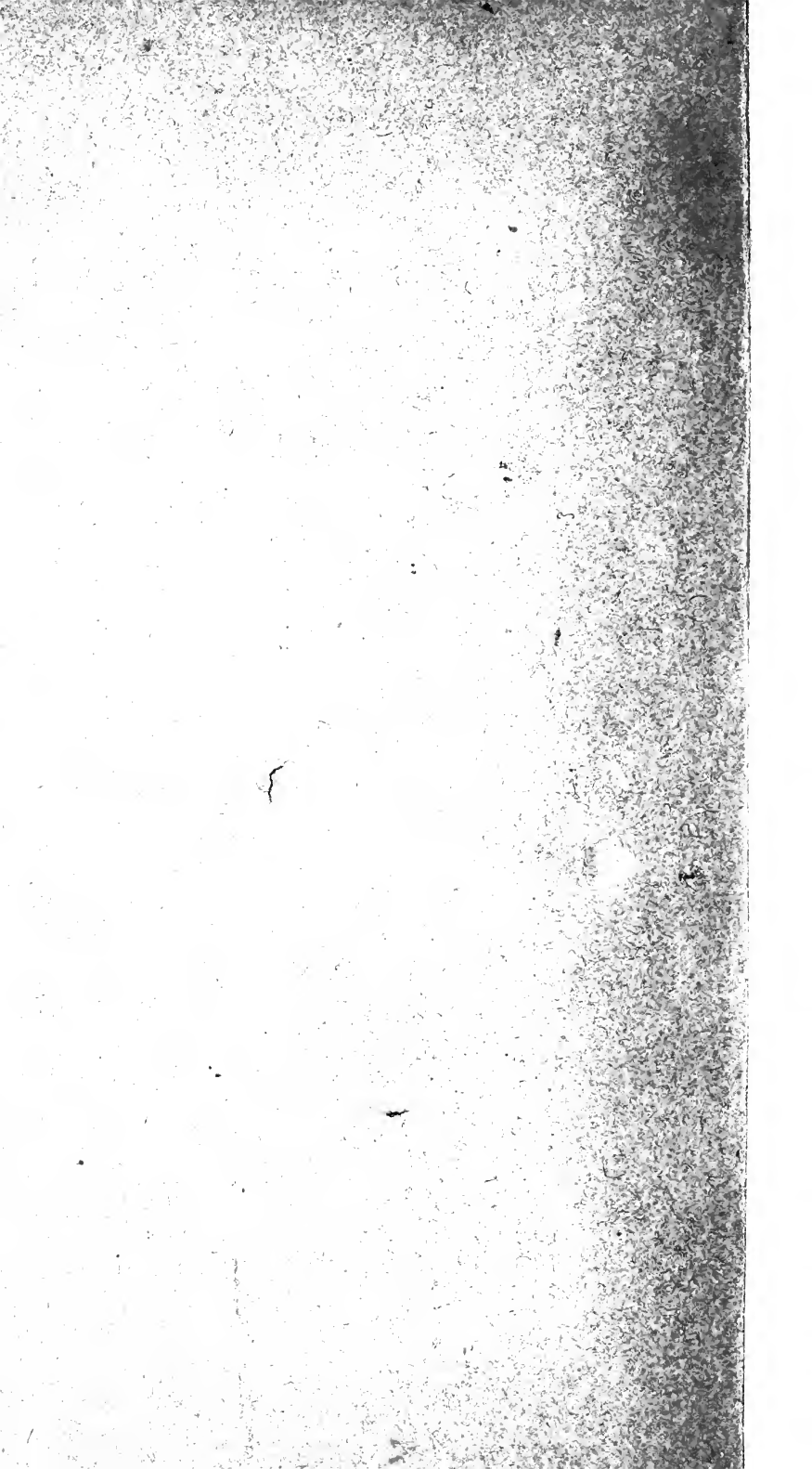
Special constables and additional police.

The employment of special constables under section 17 of Act V of 1861 and the quartering of additional police in disturbed districts under section 15, are both useful preventive measures, but the Commission have no special recommendation to make, beyond urging that bad characters should not be enrolled as special constables, and that, as already stated in Chapter III, the system of *tikri chankidari* may sometimes be adopted in place of additional police.

Reform of criminals.

No treatment of the subject of the prevention of crime would be complete without some reference to that important branch of it which relates to the reform of criminals. Something has already been done in this direction by the State. Reformatory schools have been established in all the larger provinces, and much trouble is now taken to assist youths on leaving these schools to find suitable employment and lead honest lives. The law (section 562, Criminal Procedure Code) empowers the Courts to release certain classes of first offenders on security to be of good conduct, instead of sentencing them to punishment. The

segregation of old offenders is now carried out, to some extent at least, in most jails. Nearly all prisoners are taught some craft or industry, but as they are seldom able or willing to follow it on release this is of little practical use as a measure of reformation. The efforts to reclaim criminal tribes have already been referred to. Private benevolence has so far done but little. There are two or three societies for aiding released prisoners, and a few industrial schools for the poor, which do something towards the reclamation of children who might lapse into crime. In England private effort has been much more active and there is now a considerable number of societies for the aid of discharged prisoners. It is fully recognized that the circumstances of England differ widely from those of India, for the large majority of Indian prisoners have land or employment to which they can return without difficulty on release from jail. There is, however, a not inconsiderable residuum who have little hope or chance of earning an honest livelihood, and in the relief and assistance of these there is room for the charity and labour of the benevolent. The State can and may legitimately give help, advice and encouragement to societies formed for this purpose. It may properly, for example, make grants in aid of the funds collected; it may give reasonable facilities of access to the jails; it may furnish information as to likely fields of employment, and generally give method and direction to these private efforts so as to make them most effective. It can, however, do directly little more than at present; but the answers to the question which the Commission issued on this subject show that it is not fully realized how much is being done; and this in turn may indicate that there is room for further expansion on existing lines; that, for example, more reformatory schools are required, that fuller use should be made of the discretion regarding the punishment of first offenders, and that the segregation of old offenders should be made more complete. The Commission, however, did not make detailed inquiries on these points and beyond the general suggestions made above they have no recommendations to make.



GENERAL LIBRARY
UNIVERSITY OF CALIFORNIA—BERKELEY

RETURN TO DESK FROM WHICH BORROWED

This book is due on the last date stamped below, or on the
date to which renewed.

Renewed books are subject to immediate recall.

RETURN TO DOC DEPT

MAY 4 1956

JUL 6 1960

RECD LD

JUN 21 1960

JUN 20 1967

MAR 12 1963

RIVERSIDE

INTER-LIBRARY
LOAN

FEB 13 1968

RECEIVED

JUN 14 '68 -12 AM

LOAN DEPT.

MAR 30 1977

RECD IN
DOCS DEPT.

MAR 22 1977

